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Date August 2, 2004Number of pages 14 (including cover page)To: EXAMINER

From:

Name Mr. Stephen J. SteinName RICHARD D. WEIRCompany United States Patent Trademark OfficeCompany EESton, Inc.Telephone 512-272-1544Telephone 512-258-5669Fax 703-872-9306Application No. - 09/833,609
Inventor: Richard Dean Weir
Attorney Docket No.: EESton 100

Comments:

Confirmation No.: 3745Ext Unit: 1775

Mr. Stein,
I am faxing my response to your Office Action, dated 06/30/2004, to solicit your determination as to the accuracy of our actions to your requested modifications. If I may, I would like to phone you to obtain any additions or changes or on general your opinions as to our effort to comply with your Office Action request. Richard D. Weir

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/833,609 | 04/12/2001 | Richard Dean Weir | EEStor 100 | 3745 |
| 7590 | | 06/30/2004 | EXAMINER | |
| Richard D. Weir 1404 Wesson Cove Cedar Park, TX 78613 | | | STEIN, STEPHEN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1775 | |
| DATE MAILED: 06/30/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/833,609

Applicant(s)

WEIR ET AL

Examiner

Stephen J Stein

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

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- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 463 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

OFFICIAL**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Claims 1-17 recite the limitation "Wet-chemical-prepared calcined composition modified barium titanate powder composed of oxide constituents of barium (Ba), calcium (Ca), titanium (Ti), zirconium (Zr), manganese (Mn), Yttrium (Y), and neodymium (Nd), forming a single phase solid solution...". This limitation comprises new matter since applicants' originally filed specification provides no support for a modified barium titanate powder (metal oxide particle) composed of a barium titanate with all of these metals constituent oxides together.

5. Claim 17 recites the limitation "An electrical energy unit recited in claim 1 that due to the double coating of the composition modified barium titanate powder and the hot-isostatic-pressing process allowed the relative permittivity of 29,480 with an applied voltage of 3500 V to

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dielectric thickness of 12.7 ^{microns} ~~microns~~ to be achieved which characteristic is retained over the lower to the upper temperature limits of a commercial product". This claim constitutes new matter.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1-17 are indefinite since the first 3 bullet points in claim 1 are not method steps, but rather materials. It is unclear how they relate to the claimed fabrication method. For instance, does applicant intend to claim that the first and second uniform coatings are applied or coated on to the wet prepared modified barium titanate powder? If so, it should be expressly claimed.

9. Claim 15 recites the limitation "An electrical-energy-storage unit as recited in claim 1 that can supply electrical energy to portable electronic devices, for example, as computers, radios, television sets, cameras, refrigerators, phones, lights, and other such devices" and claim 16 recites "An electrical-energy-storage unit as recited in claim 1 that can supply electrical energy to remote devices, for example, as microwave repeaters, phones, traffic signals, recreational equipment, lighting systems, camping equipment, farming equipment, and other such devices". The limitation "for example" makes the claims indefinite because it is unclear if the limitations after "for example" are meant to limit the claim.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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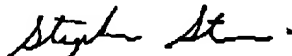
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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 572-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 24, 2004



Stephen J. Stein
Primary Examiner
Art Unit 1775